# THE EXAMINER.

No. 213 SUNDAY, JAN. 24, 1812.

## THE POLITICAL EXAMINER.

Party is the madness of many for the gain of a few. SWIFT.

No. 207.

### EXCOMMUNICATION.

A curious debate took place in the House of Commons last Thursday, in consequence of a motion on the part of Lord Folkestone for an enquiry into the abuses of the Ecclesiastical Courts; and the result deserves some particular notice, as presenting us with the phenomenon of Ministers agreeing to a piece of Reform. The subject, it is true, had nothing to do with politics; and the Ministers refused the enquiry, while they adopted it's main object; but a piece of sensible and long-desired Reform is really and truly to take place in consequence of the discussion; and thus, *at last*, we have a plain acknowledgment, from the Treasury Bench, that there may, now and then,—in some odd corner of the State,—be such a thing as an abuse; and that there may also,—once and away,—when the said odd corner has nothing to do with their situations,—be such a thing as a piece of Reform.

The case that suggested his motion to Lord Folkestone was that of a Mary Ann Dix or Dickson. It would seem from the Parliamentary proceedings that she had been originally prosecuted for defamation, had refused to appear, had been excommunicated for her contumacy, and had lain for two years in prison on account of her inability either to compound with the Court or to pay the fees, or some such obnoxious want of pocket. It might further be gathered, that her mother had repeatedly applied to the Court to know what penance she should undergo, and that the defamation, though strictly so in law, was none in point of fact,—the scandalous words having been uttered against a woman who kept a house of ill fame. But I am not certain whether all or any of these points are true, or whether I am not confounding some of them, at least, with other cases, to which the speeches alluded. The reporters perhaps (and they may well be pardoned) were a little less attentive than usual:—the wonder,—night after night, and toil after toil,—is that they can report as they do,—that they can keep their eyes and their ears open over that midnight threshold, where the Sleep above is rather lulled than disturbed by the bad Jokes and the deadly Strife below.

Tum consanguineus Leti Sopor, et mala mentis
Gaudia, mortiferumque adverso in limine Bellum.—Virg.

Be this as it may, it appears to have been agreed on both sides of the House that the case was a hard one; and that the sentence of excommunication, which, if the offender is a poor one, converts the penance of a moment into a long and heavy punishment, is altogether unworthy of an enlightened age. It has long been, indeed, to use a phrase of Milton on the same subject, nothing but a "fogging proctorage of money;" and is one of the many old ecclesiastical forms, which having become useless in their essence, are only so many scandals to religion, and mockeries of the name of Deity. His Lordship, and the other speakers, have not informed us whether the excommunication inflicted in this instance was of the greater or lesser kind, and some of them perhaps confounded the two. The ordinary excommunication, I believe, only debars a person from receiving the Sacrament, and by the help of the civil power holds him in confinement till certain acknowledgments and fees be paid: but by what was said of the legal incapacities incurred in the present and similar cases, it would seem either that the ordinary excommunication is heavier than is generally supposed, or that the offender was punished with the greater one: and the consequences of the latter are truly tremendous. It cuts off the sufferer at once from the comforts of society, the securities of law, and the consolations of religion;—he is not only imprisoned, but he cannot be witness in a cause; he cannot be a juror; he cannot even bring an action for the recovery of property; nor can a woman obtain redress for the violation of her person; and to crown the barbarism of the punishment, he is not only deprived of the consolations of a religion, which professes above all things to afford comfort to the sinner, but his dead body becomes an object of persecution, and he is refused Christian burial. A philosopher, who in addition to his powers of self-denial, could also become invisible like the Rosicrucians, might manage to despise all this; and so he might, it seems, if he possessed a decent sum of money, which, according to the lawyers themselves, is the best magic for subduing the attacks of the Spiritual Courts;—but to a poor man, the hardships are overwhelming.—Lord Folkstone, among other cases, cited that of a pauper, who being unable to pay *six shillings*, was excommunicated and held in prison for upwards of three years;—another person, for not answering to citation, had to pay costs to the amount of fifty-six pounds;—a third, for a similar offence, was confined for three years and a half;—and Mr. William Smith informed the House, that a couple of inoffensive women,—a sort of Quakers,—who from a dislike to the church-ceremony of marriage, had got married according to their own forms, were maliciously brought under the notice of the Ecclesiastical Court, and from a conscientious refusal to answer to their maiden names, suffered imprisonment in Nottingham for the space of seven years. Such punishments are the more gross, when it is considered, as Mr. Smith very sensibly explained, that there is so obvious a remedy for the offence,—

"Not long ago," he observed, "there was a practice of pressing a criminal (with weights) who refused to plead, till he consented to plead. This blot upon our laws existed till a Judge had at last thought proper to bring about a reformation, and it was enacted, that *a refusal to plead was an acknowledgment of guilt.* What did he infer from this? That Ecclesiastical Courts ought to act in the very same manner, and proceed to inflict that punishment on offenders which the offence itself deserved, without imprisoning for seven years, in the manner which had been stated: for if such a punishment were directly awarded, the whole country would cry out against its barbarity."—Mr. Smith therefore voted for the Noble Lord's enquiry, and so did Sir S. Romilly, who gave a lively idea of the absurdity and cruelty of excommunication in the present state of things, by representing it as a punishment "formerly reserved for heinous sins, but now applied to the non-payment of costs." Even James the First, he informs us, complained to Parliament of the abuses of Ecclesiastical Penalties: but somehow or other, nothing was done in consequence, though some of the Bishops were directed to prepare a Bill for their reformation:—"thus," continued Sir Samuel, the evils of which King James complained to his Parliament continue to exist to this hour. (*Hear, hear!*) They have continued to exist because not complained of, and they had not been complained of because they are felt only by the lower classes.—(*Hear, hear!*"—The House evidently felt such remarks as these; the Civilians, who were present, felt them also, and admitted the necessity of alteration; but still they did not choose to vote for Lord Folkstone's motion;—and why? What can the reader imagine to have been their reasons for refusing? His Lordship merely proposed an enquiry, and his proposal was worded in a manner that to all appearance was studiously inoffensive: his motion was, "That a Committee be appointed to examine into the practice of inferior Ecclesiastical Jurisdictions,—to examine if any, and what Reforms, are necessary in the proceedings of those Courts,—and to report thereon to the House." What was there in such a motion to annoy the Ecclesiastical Doctors?—There was this;—that it came from an obnoxious quarter, and that odium was cast on the said Jurisdictions without their special privity and permission. Accordingly, Sir Wm. Scott begged the House to consider, "what a number of persons must be brought up from different parts of the country at an expense which their paltry emoluments would but ill enable them to discharge;" called upon it to reflect that "every Court, however it's jurisdiction might be, was entitled to be held in a decent state of respect, till it was *proved* to have done something to forfeit it's character;" and expressed his surprise that the Noble Lord should have thought of bringing such a motion after having been able to select "out of the whole extent of Ecclesiastical jurisdiction, *only* seven instances of what he called abuse or oppression. (*Hear, hear!*)" Yet how did the Learned Member conclude his speech? How did he conclude his deprecation of enquiry,—his remonstrance against odium,—and his surprise at the scantiness of only seven instances of oppression? By actually expressing his opinion that "the constitution of the lower Courts was susceptible of *very great amelioration*;"—that "it would be a great improvement merely to lessen their number;"—and that the process of excommunication too might, perhaps, easily find a better substitute,—one that should be more effectual, while it was productive of less *expense* and *oppression*."—Sir John Nicholl came to the same conclusions after expressing the same objections,—a circumstance that might well have surprised the hearers. Sir Samuel Romilly, in particular, acknowledged himself unable to discover the force of the Learned Member's objections, and considered the alleged extensiveness and odium of the enquiry as mere fancies. With regard to the former, it appeared to him, and so it must appear to the reader, that nothing was required but to obtain such *general information* as might justify the Committee in coming to a general conclusion as to the nature, constitution, and administration of the Courts in question; and with respect to the odium, nothing of the kind was imputed by Lord Folkstone:—"the Noble Lord," he said, "had merely stated a case of extreme suffering, as every person in the House must acknowledge it to be, and the question was whether this hardship sprung from the law, or from the mode in which it was administered. (*Hear, hear!*)" Sir Samuel might have added, that the *proof* required by the Learned Member could not be obtained but by investigation; and as to the objection about the "seven instances," it might have been asked, how many such instances of ill-treatment the Right Honourable and Learned Gentleman might have required before he would consent to consider himself or his family justified in crying out for redress? *Seven* instances! Why, it was but a few months ago that the Ministerial friends of this Gentleman expressed their great dislike at being perplexed and hampered with such a variety, and declared that they never required more than *one* "tangible point:" and it may reasonably create our surprise that Sir William should have thought seven charges of oppression insufficient, when one is supposed to be enough for the most solemn processes of his own Court; and when it is a maxim as old as Hesiod, that a single unjust man may be the ruin of his country. But the feeling of the thing was apparent; and Sir Samuel therefore, being a greater friend to measures than to men, and anxious only to see the Reform take place, suggested to the House the advantage of calling upon the Learned Member for his "powerful assistance." "There would be then," he added, "no hazard of any cry of innovation, because the Right Honourable Gentleman was too well known to entertain a sufficient respect for ancient usages, and too warmly to admire established institutions, to be in any danger of meeting that resistance and difficulty, which any attempt at reformation proceeding from himself would probably encounter.

*(Hear, hear!)*" The House saw the policy of this suggestion, and pursued it so far, by the help of the Attorney-General, as to shift the management of the business entirely from Lord Folkestone to Sir William, who amidst the cheers of all parties undertook to propose and bring in a Bill for reforming, or, in other words, for abolishing the Law of Excommunication, as it is now practised. What praise the Right Honourable and Learned Gentleman may take to himself for so doing, I know not; but his pleasurable feelings could hardly have been much increased by the apology which his friend the Minister undertook to make for him at the close of the debate, and which informed us that he had long been anxious to redress the grievance complained of, but had been deterred by the jealousy with which all innovations of the Ecclesiastical were viewed by the Temporal Courts. How a sacrifice of one of their oldest and most lucrative customs on the part of the Ecclesiastical Courts, could be viewed with jealousy, as an innovation, by the other Courts, it is quite impossible to conceive; and how far any such jealousy, if possible, could justify a Member of Parliament and a Judge in foregoing his sense of duty, no one but such a Minister as Mr. Perceval would undertake, I think, to make out. The country is under much obligation to Lord Folkestone,—a Reformist,—for bringing the business before Parliament; and there lies the whole secret of jealousies and innovations. He is deprived of the labour of perfecting, but nothing can wrest from him the honour of beginning, it;—and so much for the good policy of those, who take upon themselves the one, without obtaining a jot of the other.

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# *FOREIGN INTELLIGENCE.*

## PORTUGAL.

Lisbon, Jan. 5.—Lord Wellington's head-quarters still remain at Freynada. Gen. Hill put his corps in motion on Christmas-day from Portalegre, for Merida, which place was occupied by 1500 infantry, and 300 cavalry. They had thrown up field-works outside, and barricadoed the streets. On the 29th, a party of our cavalry fell in with some of the enemy near Los Navas, of whom they killed 25, wounded 20, and made 15 prisoners. We had 2 killed, and 1 officer and 20 men wounded. The enemy abandoned Merida on the General's approach, who entered it on the 30th, finding considerable magazines. It is said, he was in pursuit of them.

## SPAIN.

Cadiz, Dec. 22.—On the 20th in the morning, the enemy presented themselves in the neighbourhood of Tarifa. The force of the enemy consisted of more than 6,000 men. The united forces of Col. Skerritt and General Copons did not exceed 2,000 men. Such was the impetuosity of the enemy, that our troops were obliged to fall back upon the place; the French in consequence attained possession of the heights, although with particular loss. From these heights they threw some grenades, and opened a fire of musquetry, which caused some damage in the place. The Spanish and English forces which defend Tarifa amount to 5000 men, having a ship of the line, two frigates, and several bombs.

# *IMPERIAL PARLIAMENT.*

## HOUSE OF LORDS.

There was no business of public importance before this House last week.

## HOUSE OF COMMONS.

*Monday, Jan. 20.*

### KING'S HOUSEHOLD.

Mr. Perceval brought up a Bill for the regulation and support of his Majesty's Household.

Mr. Tierney made some observations on the increased expences of the Civil List. In 1804, the House thought that 75,000*l.* would cover the bills in the Lord Steward's Department of the Household. The very next year, however, those bills reached 129,000*l.* Last year they amounted to 115,000*l.* He could not account for such variations. There were reports of abuses in this Department. Similar fluctuations took place in the Lord Chamberlain's Department. In 1804, the sum thought necessary by the House for this Department was 65,000*l.* Last year it reached 161,000*l.*—Parliament should be made acquainted with the cause of this.—In the account under the head of "Special Services and Royal Bounty," an enormous increase had taken place. In 1804, the expences were 10,000*l.* Two years after they amounted to 50,000*l.*—He was quite at a loss to guess the cause of this.—In the *ordinary* disbursements to Foreign Ministers, a similar augmentation had arisen, since 1809. In that year they were 44,000*l.* Last year they were 77,000*l.*—And in the *extraordinary* disbursements a similar rise had taken place. In 1804, 10,000*l.* were deemed sufficient. Now they amounted to 53,000*l.*—From the condition of our Foreign Relations, he should have thought these expences would have decreased rather than otherwise.—The Presents to Foreign Ministers, too, he should have supposed would have been much diminished. What was the fact? In 1804 they were estimated at 10,000*l.* In the present year they reached 33,000*l.* Mr. Tierney concluded by moving for various Accounts relating to these disbursements.

Mr. Perceval had no objection to the production of the Papers moved for, though he did not wish to enter on the matter at present.

### SUPPLY.

The House in a Committee, Mr. Perceval moved, that 100,000*l.* be granted to the Prince Regent, for defraying the expences attendant on the assumption of the regal authority.

Mr. Tierney said, there was no precedent for such a boon or grant. The Regent had certainly been at great expences, which he would most readily vote a sum to meet; but he was anxious to guard against the recognition of such a principle,—that it was necessary to vote a sum of money on the assumption of the royal authority.

Mr. Perceval said, that the sum required was to cover the expences attendant on the assumption of the Regency, as well retrospectively as prospectively.

Mr. Whitbread observed, that a Message should have been brought down from the Prince Regent. The country had last year given great credit to his Royal Highness for the communication which he had caused to be made to the House, of his intentions of not laying any additional burthens on the country, for the expence he should be put to in assuming the Regency. For this communication his Royal Highness had most deservedly obtained great credit; but having so received it, he thought that it appeared somewhat extraordinary, that a sum of one hundred thousand pounds should be demanded by the Minister for the expences which had been already incurred, as well as those that would be necessary now.

Mr. RYDER said, the circumstances were very different under which that communication was made. At that time there prevailed a general expectation of his Majesty being likely soon to resume his functions, and, therefore, his Royal Highness did not then think it necessary to call for any additional sum; but when his Majesty's illness had, contrary to all expectation, continued for nearly a year since the period of that communication, his Royal Highness was necessarily obliged to incur great additional expences.

Mr. ADAM took the same ground, observing also, that he thought it more becoming the liberality of Parliament, to come forward of themselves, and grant the sum which had been named, and which he believed no person could think excessive. He knew of no strict Parliamentary rules which prevented them from determining the question without a formal message; and he conceived, that it would be much the more delicate way to vote it in the manner which had been proposed.

Mr. WHITBREAD and Mr. TIERNEY had heard nothing that could induce them to alter their opinions; the motion, however, was agreed to.—Adjourned.

*Tuesday, Jan.* 21.

Mr. WHITBREAD moved for leave to bring in a bill for altering and amending the bill for re-building Drury-lane Theatre. —Leave was granted.

## PENITENTIARY HOUSES.

Mr. HOLFORD said, the object of the bill which he wished to bring in was to send back to society at the end of their respective terms of imprisonment, with useful and beneficial habits, those persons who now issued from their prisons merely to prey on the community till the hands of justice again consigned them to confinement. For the last twenty years Penitentiary Houses had been erected and governed, in conformity to the statute; he had the authority of Sir G. Paul, a wise and active Magistrate, with respect to the utility of such an establishment in Gloucester; and he was informed, that in Southwark the usefulness of the institution had been such, that several persons who had been confined there were now living in credit, and atoning to society for their former crimes. The object of the present Bill was merely a Penitentiary House for the offenders in London and Middlesex. It would not entirely abandon the plan of Mr. Bentham; nor would it raise any question with respect to the punishment on board of the hulks, or transportation. The scale which he should propose would be a substantial building to contain 200 male, and 200 female convicts, with capacity for 100 additional each. He then adverted to the state of Newgate, the evils of which prison were not imputable to the keeper, who was an useful and upright officer, but to the system adopted. His plan would remove from that prison a large portion of the transportable convicts, who ought to be supported by the public and not by the City, and then the City would be able to adopt such measures in their prison as would prevent the present corrupting effects of its walls. He highly reprobated the present distribution of offenders, by which persons who were taken up on suspicion only of felony, were made to associate and mingle in one common mass with the most abandoned convicts. He supposed the case of a poor servant girl out of place, whom necessity might have induced to commit a small theft; she associates with felons of her own sex, transportable felons of the most depraved description, who despise and make a mockery of all the decencies and moralities of life; with what feelings, with what manners, he asked, would such a person return to society? His plan would prevent such pernicious consequences, by removing the possibility of such contaminating associations.—Leave given.

## STATE OF THE MAGISTRACY.

Sir FRANCIS BURDETT moved, that there be laid before the House a list of the Police Magistrates appointed since the 32d of the King, with a specification of the places where they were when appointed, of their particular qualifications for the office of Magistrate, and also of the pensions, if any, enjoyed by them or their wives.—Ordered.

## DROITS OF THE ADMIRALTY.

Mr. BROUGHAM called the attention of the House to the momentous question, whether the Crown had the power to use certain funds,—certain enormous sums of money,—without the grant or even the privity of Parliament?—This was a question of the greatest importance; for the best privilege of the Commons House,—the power of granting supplies,—was involved, as such power was the only security the people had in their Representatives against the influence and encroachments of the Crown.—This, too, was the most proper time for such an inquiry. It was indeed time that the House should know, and that the country should see, whether funds of such an enormous magnitude were vested in the Crown for its separate use, and as a private patrimony. It was now, once for all, necessary to have it proclaimed, whether the Crown can, without any parliamentary grant, or without even the knowledge of Parliament, appropriate these immense sums of money. If it should prove true that the Crown had such an extraordinary power, then it was high time for the world to be apprised of the nature of those limitations by which it was the boast of Englishmen to have their monarchy restricted: it was high time to tell mankind how much the Constitution of England has been misunderstood, and to lay aside for ever those gaudy descriptions in which the folly of our pride had arrayed it.—Mr. BROUGHAM here entered upon a statement of the funds thus used by the Crown. The revenue of the Duchy of Cornwall was 13,000*l.* a-year: that of the Duchy of Lancaster about 50,000*l.* The 4½ per cents. derived from duties levied in Barbadoes and the Leeward Islands,—an intolerable grievance to the inhabitants,—in 1808, were 35,000*l.* a-year. The average excess of the Scotch Revenue was 86,000*l.*; (but this subject would be brought before Parliament by an Hon. Friend.) The Crown was thus in possession annually of 186,000*l.* a-year, which enormous revenue, it was contended, exclusively belonged to the Monarch. But the last great capital, which was more peculiarly the object of his motion, was called the Droits of the Admiralty, which was given to the King as Lord High Admiral of England.—The fund arising from those alleged droits was vested in the Crown, because, for the last century, the station of Lord High Admiral was not conferred away from it.—All sums arising from wreck and goods of pirates helped to swell this fund; but the great bulk of it arose from prizes. All ships *detained previously to a declaration of war*; all coming into port from ignorance of hostilities between this and other countries; all taken before the issuing of proclamation, and those taken by non-commissioned captors, were sold; and the profits composed what was vulgarly called the Droits of Admiralty. It appeared by the returns laid before the House in 1810, that a sum of 334,000*l.* was paid by the Registrar of the Court of Admiralty into the Bank of England as nett proceeds of prizes. This sum was received by an officer appointed by the Crown. Before that, this fund amounted to SEVEN MILLIONS THREE HUNDRED AND FORTY AND ODD THOUSAND POUNDS, and it might be now taken in the aggregate at EIGHT MILLIONS. Here, then, was an annual permanent revenue of 186,000*l.* and a capital of eight millions, said to be vested of right in the Crown; and the question for the Parliament to try was, whether *by law* it was so vested; and, if it be so vested, whether, consistent with the safety of the Constitution, it was proper the law should remain so any longer. Those who maintained the affirmative would have no very ordinary task to encounter, as if they maintained any thing, they must argue that funds may arise from the mere act of the Crown itself: that agreeably to the spirit of our Constitution, when it has thus become possessed of such funds, it may use them without being accountable to any other power in the country. They must maintain that the Crown has unlimited sway over such funds; and that it may lavish enormous sums of money on a favourite, or squander them on a mistress, or bestow them on a Minister *for undue influence in that House, or unconstitutional influence at Elections, or elsewhere out of it.* Their argument, in fact, must be, that the Crown at its good pleasure may lavish those monies for any purpose, mischievous or meritorious,—for any use, good or harmful,—to a wise end or a fancied caprice; that by the law and the Constitution of England, the Crown has supplies over

which the Parliament of the people has no controul. To him it appeared quite unnecessary to point out the obvious tendency of this doctrine, or to state the deductions which might be fairly drawn from it. It would follow, however, that at once *there was an end to the use and intent of Parliaments*,—that the great privilege of refusing the supplies, in case the Crown refused to redress the wrongs or grievances of its people, was a mere splendid name,—that it was nothing but an exquisite mockery for the Minister of the Crown to come down to that House and ask for any supply, when the Crown had, independently of Parliament, funds infinitely superior to what it was in the power of Parliament to grant. This was not idle declamation, but real fact. Such was the nature of the doctrine which Gentlemen on the other side must hold, if they meant to advocate the right of the Crown to these funds. But was that doctrine law? Was that the doctrine of the English Constitution?—Here Mr. Brougham went on to prove, from various high authorities,—Coke, Hale, and others,—that the Crown possessed these droits only for specific and constitutional purposes; they were intended for the safeguard of the sea.—Before the Revolution of 1688, the expenses of war were not regularly supplied by Parliament, but generally by the Crown, and from those very funds which it was now contended were the private property of the King. A material change, however, since had been taking place, and was now nearly completed. The country bore all the expenses of war. There was no longer any drain on the revenue of the Crown, or on any of the branches of the prerogative; and if the country now supplied the means of war instead of the King, was it not right that it should stand in all respects in the place of the King; and that it should receive instead of him the profits of the war, or, in other words, those very droits in question?—This was the opinion of Lord Mansfield. Lord Clarendon was also of opinion, that there was great danger in applying the droits of the Crown to any other purpose than that for which they were originally granted, viz. the defraying the expences of the war; and he wished the present Ministers, who are the Constitutional servants of a Constitutional Prince, would speak as plain language as that of the courtier, servant, and relative of one of the most arbitrary monarchs that ever lived. Mr. Brougham desired the House would duly consider what an amazing power would be left in the hands of the Crown, if those droits which were now claimed as its right were suffered to remain at its disposal, without the control or intervention of Parliament. The possession of Droits of Admiralty gave to the Crown a real interest in making war; it gave also a further interest in going to war in the worst way when there was no occasion for it, and without that notice which had always, till very lately, been deemed necessary. This had been most fully and forcibly proved by the Dutch war, in the reign of Charles II. which was really and truly a genuine war of plunder;—it *even exceeded Copenhagen and the Spanish frigates*; a war of pillage and plunder alone, undertaken for the purpose of intercepting the Smyrna fleet, which was of immense value, for the purpose of putting money into the pocket of the reigning Monarch, as it would be considered a Droit of the Admiralty. It draws on the Crown the suspicion of the war being carried on upon the same principle as actuated Henry the Seventh, one of the most selfish and sordid monarchs that ever reigned in this kingdom, and which the great Lord Bacon, in describing, said, was a war made up of a certain mixture of metals, the upper part of which appeared to be of iron, but the under one was a composition of silver and gold.—When his present Majesty came to the Throne, the Civil List was 800,000*l.*; but it had since that period been increased virtually 305,000*l.* a-year, over and above that original sum; besides which, half a million had been received by the Crown from the Duchy of Cornwall; and a very considerable sum, but he could not exactly say how much, from the Scotch Fund: from 1769 to 1802, several sums of 2, 3, 500,000*l.*; and last of all, in 1802, there was 900,000*l.*; making altogether between three and four millions: notwithstanding which, the increase of the annual Civil List debt is still going on till it amounts to 124,000*l.* and although, after paying the debts four or five times, it now appears that the sum of 769,000*l.* over and above what Parliament had granted for that purpose, had been paid in the discharge of the debts of the Civil List, from the Droits of Admiralty. The deficit of the Civil List was all this time going on, but part of it was paid under hand.—Mr. B. then adverted to a subject which, he said, some people might think was of a delicate nature, but which he felt himself compelled, by duty, to take notice of. In 1799 and 1800, the King appeared to have made purchases to a great amount. An Act of Parliament was brought in by Mr. Pitt for the purpose; the preamble of which states, that the King, out of his privy purse, and other funds, had made purchases of freehold and copyhold lands. The statute of Anne says, that all lands held by the Crown shall be inalienable for more than 33 years, or three lives; but by these statutes of 39 and 40 of the King, all his purchases are made *private property*. From this it appeared that the Droits of the Admiralty and other funds had been applied in a way they ought not to have been. With respect to the Royal Family, it appeared that, in the course of six months, grants had been made to different branches of it, to the amount of 146,000*l.* It was as an advocate of the Crown that he made these statements. He would wish to see the King receive the revenue established by Parliament in an open way, and not as a jobber, nor in the more exceptionable character of a Buccaneer. He then adverted to the grant to Sir Home Popham, which was a very large sum: but there now appeared in the Papers on the Table, a grant to a Member of that House, which Parliament had never acknowledged. There was also a sum of 7000*l.* to a Reverend Gentleman of the name of Daniels, for information respecting illegal captures. There was another grant to a person for expences of legal prosecution, which he deemed a very unjust one. Mr. B. entreated the House to consider the nature of these funds, and to reflect, that if it should fall to the lot of a Monarch of this Country to have a Minister, who, giving way to his own avarice or rapacity, should have the boldness, as well as the wickedness, to advise him to pursue so base and degrading a conduct as was adopted in the course of the Dutch war, by rashly and suddenly plunging us into a rupture with America—such conduct would be attributable in a great measure to the temptation arising from a desire to increase that fund to an immense amount, which the Crown and its Servants could, at any time, apply to their own purposes, without the cognizance or consent of Parliament. He hoped it was not likely that such a man was to be found at the present day: but what had once happened might occur again. The Constitution of this Country knows only a limited Monarch, paid by grants made by Parliament, and accountable to Parliament.—Mr. Brougham then read his motion, which was as follows:—

1. That the possession by the Crown of Funds raised otherwise than by the grant of supplies from the Commons in Parliament assembled, and applicable to purposes not previously ascertained by Parliament, is contrary to the spirit of the Constitution, liable to great abuse, and full of danger to the rights of the subject and the interests of the country.

2. That it is the peculiar duty of the Commons House of Parliament to investigate the nature and foundation of all such Funds as are pretended or asserted to be vested in the Crown, in the manner above-mentioned.

3. That the Funds arising from Wreck, whether at sea or on shore; Goods of Pirates; Prize made before Proclamation, Prize made by non-commissioned Captors; Vessels and their Cargoes detained in port, before the commencement of hostilities, or coming into port through ignorance of war having taken place, or through stress of weather; and all other profits from the Sea accruing to the King, either in right of his Crown, or by virtue of his office of Lord High Admiral, and pretended or asserted to belong to his Majesty as a separate property, over which Parliament hath no controul, have arisen to such an amount during the last and present wars, as calls for the most serious consideration of this House.

4. That it appears from the papers on the table of this House that the net and clear proceeds of the aforesaid Funds, which had accrued between the 1st day of February, 1793, and the 30th day of May, 1810, amounted to the sum of 7,344,677*l.*

and that in all probability they have since that time been considerably augmented.

5. That these monies have been received by the Crown at different times in large sums, and not in any regular proportion by the year; and that these sums have been at the disposal of the Crown without any interference or controul of Parliament, although Parliament has, during the whole course of this period, not only provided supplies for the prosecution of the war, and raised the sums requisite for the internal administration of the country, but provided the supplies estimated to be necessary for the support of his Majesty's Household and Family, and the dignity of the Crown; and furnished large sums for defraying such debts as had arisen in these departments.

6. That this House taking these things into its consideration, will forthwith proceed to enquire into the most fit and efficacious means of bringing the aforesaid funds under the immediate controul of Parliament, for the purpose of applying the same to the public service, and of providing such additional sums, if any, as may appear to be necessary to the maintenance of the Household, and of the honour and dignity of the Crown.

Mr. BRAND seconded the motion. He thought it was absolutely necessary to take this subject into their consideration, before the House could possibly form a judgment with respect to the Civil List, whether it was sufficient or not; and he, for one, was not willing to vote a single shilling more for the purposes of the Civil List, without knowing how much of this fund might be properly applied to the purposes of the Civil List.

A Mr. COURTNAY said, that he differed very widely from the Hon. Mover. The practise as it now exists had existed for a great number of years; during which time a number of most acute intelligent lawyers, and men extremely jealous of the prerogative of the Crown, had sat in that House, and never questioned the right of the Crown to those Droits of Admiralty.—He could not agree with those who thought the Constitution could not exist if the Monarch were not a mere stipendiary King, with an income fixed by Parliament, and accountable to Parliament for every shilling of his income. He thought that where a certain allowance had been fixed in the commencement of this reign, it would be too much to require that the Sovereign should be dependant on Parliament for that gradual but regular increase of his expenditure, which necessarily took place yearly, from the great depreciation of money,—(*Hear, hear!*)—or the increase of prices.

The ATTORNEY-GENERAL thought that as those sums had been always, since his Majesty's accession to the Throne, part of his legal income, there could be no question of taking it away from him now, unless some very gross misapplication of those funds could be proved.

Mr. SERJEANT said, that the expenditure of this fund had, in his opinion, been fairly for public purposes, and the account had been laid before Parliament. He would not admit that it was contrary to the Constitution for his Majesty to have any private property. On the contrary, the King had been in possession of seizures and forfeitures made to the Crown, ever since we had a Constitution; and it was never supposed that these were derived from a grant of Parliament. He was ready to admit that it would be wrong to apply the fund arising from these Droits to any other but public services, and for the purpose of easing the burthens of the people. There was one thing very unfair, which pervaded the whole speech of the Learned Gentleman, and that was his constantly stating it as a net fund of above eight millions, at the sole and arbitrary disposal of the Crown. Now it appeared from the Papers on the table, that no less a sum than 3,805,000*l.*, making, in fact, about a moiety of the whole, had been appropriated to important public purposes.

Mr. WM. SMITH would only put this single question to the House. It appeared that the whole amount of these Droits for the last seventeen years, rose to the enormous sum of about eight millions, which gave an average produce of 430,000*l.* a-year during that period. Could it, then, have possibly been in the contemplation of Parliament, when they fixed the amount of the Civil List, that a period would arrive, when for seventeen successive years, this large additional sum of four hundred and thirty thousand pounds a-year, would be at the sole disposal of the Crown?

Mr. PERCEVAL admired the eloquence displayed by the Hon. and Learned Gentleman, but could feel *no satisfaction* at the subject on which he had exercised his talents. He was astonished to hear so much about these eight millions making Parliament useless, and giving power to the Crown to carry on war without the aids of that House. There was no colour for the violence of this declamation; at the utmost extent, how far would it go in carrying on the war? The question was as to the legality of such fund in the power of the Crown, and as to the propriety of its being so. He was surprised to hear, that because Droits were not mentioned in certain law-books, they therefore did not belong to the Crown. They were clearly in the prerogative of the Crown, for the King could constitute a Lord High Admiral; and in that case the Droits would go into the hands of the grantee. All subjects of prize were in the Crown, and there was no pretence for supposing any distinction between them. On such a question as this, mixed up with political topics, and enforced with eloquent declamation not so likely to succeed in *that House* as to produce effect *out of doors*, it was proper that the ground should be taken from under the Learned Gentleman, and that he should be shewn to be in the wrong. As the propriety of the continuance of this fund might be thought to depend much upon the use made of it, he would ask where the guilt existed in its application? It was said, "you (the Ministers) come to Parliament to reward the meritorious; but the minion who excites public disgust can be secretly rewarded." Could any man, seeing the Paper explaining the application of these eight millions, justly shew that favourites and minions had been so rewarded? Was it fair to the public, in running down the rights of the Crown, thus to inflame the passions of mankind, leaving out of view the grants of the Spanish and Dutch prizes, the sums of two millions and odd given to captors, and of 450,000*l.* restored? The only case that ingenuity could torture into accusation, was one which had been already under the notice of Parliament (Sir Home Popham's). There was not any ground of charge to be made out upon any one of the items. They were granted to claimants after reference to the King's Proctor, who considered all the circumstances, and then gave his opinion on the propriety of the grants. There was a record of all these transactions. The charges of abuse were, therefore, unfair. The Learned Gentleman had observed, that the first item was the defraying of the debts of the Civil List. Now, the first instance of this sort was in the truly constitutional administration of Mr. Fox and Lord Grenville; and he could not see the impropriety of making up the deficiencies of the Civil List out of what *all Lawyers* had deemed the King's own property. It required some further arguments to shew it to be unconstitutional in the present Administration. He acquitted the Learned Gentleman of the knowledge of the fact: but the House should know, that on the 15th of March, 1806, the Civil List arrears were so paid, amounting to 190,000*l.* As to the grants to the members of the Royal Family, he had never heard them found fault with. There the example was set by Mr. Pitt. It had been said, that Government might go to war with America in order to accumulate Droits: but a Minister who should do so would be responsible *to Parliament!* So far, however, from any such motive operating on Ministers in the measures against Copenhagen, every farthing taken before hostilities were declared, had been granted to the captors. The Resolution proposed, conveyed what was not the law on the subject, and what did not appear to be expedient.

Sir FRANCIS BURDETT said, there was a strange and dangerous system now, of dividing the King, by making him both a King and a private gentleman; and this was supported by the Act which separates the private property of the Crown. He did not know that he very materially differed from the Chancellor of the Exchequer, if they could come to a right understanding of terms. He admitted the droits to be *jure coronæ*; as appertaining to the Executive Government, as rights of prerogative in the Kingly office, held for the *public benefit*, and not for the King to put into his own pocket; and thence he inferred

that it was the duty of Parliament to enquire into their application: otherwise, they might be devoted to minions, and to mistresses, *or what was still worse, to Members of the House of Commons.* He was a friend to the dignity of the Crown: but if it were said the Crown had not enough to support its splendour, he must say, that during this reign, while the arrears increased, we had not been dazzled by the splendour, which had proportionally diminished. If any farther provision were wanted for the King or his Family, let Parliament give it: but let there be no underhand means of giving it. The grants to the Royal Family were highly unbecoming and reprehensible; they put the Princes into a state of dependence upon whoever might be Ministers.

Sir JOHN NICHOLL spoke against the resolution.

Mr. TIERNEY said, though he differed from the mode of the motion, he agreed in the substance; and thought that the House should not adjourn till it had noticed the immense sums now placed by accident in the disposal of the Crown; which would shew, that at least an account should be rendered of that expenditure which perhaps could not be prevented. That these circumstances should be recorded, he proposed an amendment, which was in substance, that the House was deeply impressed with the unprecedented accumulation of the droits of Admiralty, during the last twenty years, and thought an enquiry necessary into the application of the same. If he succeeded in this, he should move for an address to the Prince Regent, to lay before the House an account of the expenditure from 1810 till 1812; and that such an account should be laid before Parliament every succeeding Session, within ten days of its opening.

Mr. PERCEVAL opposed the Amendment, but had no objection to the production of any paper similar to that produced in May, 1810.

Mr. BROUGHAM would occupy the attention of the House but a few minutes. He had been greatly misconceived, as if the whole of his legal argument had been a dry proposition to negative this right in the Crown. The very term "droit," in his question, would have prevented his using that argument; but he thought it expedient to enquire whether the King did not hold these rights in trust for the benefit of his subjects, that either the fund should be raised, or appropriated by Parliament.

Mr. PONSONBY stated, that the Crown had a right to this revenue, though it was the duty of Parliament to enquire into its appropriation. He should vote for the amendment, which was, not as the Chancellor of the Exchequer expressed it, an escape from the original motion, but which went to the extent of this avowal, that Parliament would not in future suffer any branch of the prerogative, however legal, to remain without strict examination.

The House then divided on Mr. BROUGHAM's original motion.—For it 38—Against it 93—Majority 55.

Mr. TIERNEY's amendment was then negatived without a division.

Mr. BROUGHAM then moved for a Committee of the whole House, to consider the subject in question.—For it 26—Against it 94—Majority 68.—Adjourned.

*Wednesday, Jan. 22.*

Various Accounts were ordered, and several Bills were read.—Adjourned.

*Thursday, Jan. 23.*

Accounts respecting the Hereditary Scotch Revenue of the Crown, which had risen to 85,000*l.* a-year, were ordered to be produced for the four last years.

## DUKE OF CAMBRIDGE.

Lord COCHRANE rose to move for a Copy of a Letter of his Royal Highness the Duke of Cambridge, to the Commander-in-Chief, tendering his resignation of the command of the Home District. It appeared that this command had become *a sinecure*, although not less than 4,200*l.* a-year was paid to the General who held it. That sum was equal *to the amount of taxes paid by one thousand persons*, and the benefit which his Royal Highness the Duke of Cambridge had conferred on the public by his resignation of this sinecure was therefore not of trivial consideration. How it had occurred that official notice had not been taken of this resignation,—that it had never been mentioned in the Gazette, he could not pretend to say; but he thought it unjust to his Royal Highness, that this instance of magnanimity on his part should be lost to posterity; and the object of his motion was to perpetuate the memory of this noble conduct, and to exhibit it as an example to the country. He moved, therefore, for the production of the Papers alluded to.

Lord PALMERSTONE resisted the motion; because there were no parliamentary grounds laid for the production of the Papers. If they were produced, they would be found to be nothing but a simple resignation on the part of his Royal Highness, and an approval of that resignation from the Commander-in-Chief.

Lord COCHRANE replied, that it was not on account of any intrinsic importance in the papers themselves that he moved for their being produced, but that they might be the foundation of a future motion.—The question was negatived.

## ECCLESIASTICAL COURTS.

Lord FOLKSTONE desired the Petition of Mary Anne Dix to be read; which was read, and he then proceeded to state the reasons which impelled him to bring the subject of the Jurisdiction of the Ecclesiastical Courts before the House. It was because he found that abuses existed in the Ecclesiastical Courts, which had elsewhere no remedy, that he was induced to extend his motion beyond the particular case of the Petitioner. Here his Lordship entered into a history of the Ecclesiastical Courts, and then detailed the abuses and hardships they engendered. The Courts had no other mode of enforcing their adjudications but by excommunication and imprisonment. The charges, too, were most exorbitant. A woman named Robinson had been called upon to appear before the Ecclesiastical Court of Bristol, and not appearing was excommunicated. Persons excommunicated cannot communicate even with their nearest relatives: a man cannot, after he is excommunicated, be an advocate, cannot be a juror, nor can he bring a suit either for injury to his property or character. This woman (Robinson) was, after *three years and an half imprisonment*, obliged to pay 11*l.* 12*s.* costs, on which she was discharged from imprisonment, but not from the excommunication.—A man named John Williams had 26*l.* costs to pay, though a pauper.—A man of the name of Robinson was cited to the Court for non-payment of tithes: the demand was under 40*s.* and the prosecutor might have proceeded in a summary way before Justices of the Peace, but he chose to resort to the Ecclesiastical Court. The man applied to a proctor; the proctor neglected to appear for him, and the man was imprisoned for the contumacy of his proctor, of which he was utterly ignorant, and was not released but on payment of 25*l.*—A man named Thomas Lewis, a pauper, who was *unable to pay the proctor*, was imprisoned for contumacy *three years*, and then discharged. In fact, the real substantial punishment went under the name of costs, but it was actually a fine. His Lordship mentioned several more cases of a similar nature, in one of which the costs amounted to 55*l.* on a libel for defamation; and from the whole of the cases inferred, that the costs were all that were contended for.—In the case of Penance, the plea held in justification of it was, that it was for the *good of the soul!!* But Mr. Justice Blackstone, speaking generally of the commutation of penance, says, that poverty is the best medicine, *pro salute animæ*. And, indeed, it appeared in all the cases he had alluded to, that on payment of costs penance was totally omitted, and no attention was paid to the souls of the supposed offenders. He believed this was in a great measure to be attributed to the ignorance of the persons who, in too many instances, preside in those Courts. The great majority of the proceedings, he feared, were very much in need of regulation and reform. In the present instance, the Petitioner was a minor, and in a Court of Law would have been considered on that account; indeed, he should apprehend a minor was not liable to be cited. He could produce several other instances, but would not farther trespass on the House. He thought some measures should be adopted to prevent the recurrence of such grievances, which were a very great trenchment on the liberty of the subject, and more particularly on those

who had the misfortune to be poor. The proceedings in defamatory causes, particularly in the Ecclesiastical Courts, seemed to him to be calculated to encourage the worst passions of the human heart,—malice and revenge. At the time of the Reformation it was allowed something ought to be done on this subject, and Bishop Cranmer wrote a book to that effect. Nothing however had since that time been done, and he hoped the House would now make a beginning by agreeing to his present motion, viz. "That a Committee be appointed to enquire into the state of the Jurisdiction of the inferior Ecclesiastical Courts, and to consider whether any reformation is necessary to be made therein, and to report their opinion to the House."

The question having been read from the Chair, a debate ensued, in which Sir W. Scott allowed that some abuses had arisen in the inferior Courts; but contended that it was impossible to prevent them in every instance.

Sir Samuel Romilly, however, thought enquiry necessary, and observed, that he had often heard in that House that there were persons conspiring to bring all the Courts of Justice into disrespect. He trusted that he would not be considered as one of the persons so conspiring; but it was his firm opinion, that the way to make the existing establishments respected, was to remove from them all those abuses which would unfairly cause them to be disrespected. In the enlightened age in which we live, antiquity alone would not make abuse respected. If we wished our establishments to have the fullest respect, we must remove from them every thing which naturally excites suspicion and distrust. Let our establishments be freed from their abuses, and from whatever cannot meet the approbation of reasonable men, and there will be no danger of their falling into disrespect.—The Attorney-General admitted that the law might be defective; and it was at length understood that Sir W. Scott should bring in a Bill for the purpose.—Lord Kenyon then withdrew his motion.

The Bill preventing Distillation from Grain was passed.—Adjourned.

*Friday, Jan. 24.*

The Sheriffs of London presented a Petition for public aid towards repairing the gaol of Newgate.

Sir James Shaw stated, that it was the object of the Petitioners to alter the conditions on which the ground of Moorfields had been granted, and to build a new gaol.

Mr. Perceval stated, that if a grant of Crown land was thought necessary, it would be proper to erect a more commodious gaol than the present.—The Petition was ordered to lie on the table.

Mr. Wharton presented a petition from Mr. Cort, whose father had obtained a patent for working iron, and had ruined his fortune in carrying it to perfection. He prayed for public aid.

## AMERICA.

Mr. Whitbread asked the Chancellor of the Exchequer, whether he had any objection to the publication of the Correspondence between the American and British Government.

Mr. Perceval said, he certainly should object to such publication, until some decided compromise had taken place.

Mr. Whitbread then gave notice, that he should take an early opportunity of making a motion on this subject.

## HOUSEHOLD BILL.

On the question that it be read a second time,

Mr. Giles rose to inquire out of what fund the increased allowance to the Royal Family was to be supplied?

Mr. Perceval said, he had no instructions to make any communication on this head.

After some conversation, Mr. Abercromby inquired whether the arrangement for the Queen's establishment included the Princesses?

Mr. Perceval stated, that it was a question of *considerable difficulty*, whether the Princesses should continue in their present condition with the Queen, or require an additional sum for separate establishments.

Mr. Whitbread insisted, that since the present arrangements were framed upon the express idea that one establishment would suffice for the Queen and the Princesses, it was material to know whether, as the Right Hon. Gentleman had hinted, separate establishments were intended?—(No reply.)

The bill was committed till Monday.

## ORDERS IN COUNCIL.

Mr. Brougham gave notice, that he should, after the removal of the restrictions from the Prince Regent, move, that an humble address be presented to his Royal Highness to rescind the Orders in Council, and the system of licensing.

## SUPPLY.

1,250*l.* were voted to Captain Manby, for his invention to preserve the lives of Seamen; 4,399*l.* were voted towards defraying the expences incurred about Henry the 7th's Chapel. On the question, that 10,000*l.* be voted for the erection of a Bridge across the Eden, in Cumberland,

Sir John Newport rose to object to the grant. The people of Cumberland had no higher claim to the public money than any other country.

Mr. Wharton and Sir James Graham observed, that strong representations had been made on this subject to the Committee by the Scotch, and particularly by the Irish Members; "and the purpose of the intended Bridge," said Sir James Graham, "was to facilitate the entrance of the Irish Members into the British Parliament."—(*A laugh.*)

A conversation then took place, when Sir John Newport expressed his conviction, that the names of the Irish Members were merely used to cloak this Cumberland job; while Mr. Wharton asserted positively, that Members from all parts of Ireland had strongly recommended the Bridge in question.

Mr. Whitbread observed, that it was curious that the bridge, which had been allowed to be wide enough for the passage of the Scotch Members, and Scotch cattle, should be too narrow for the passage of the Irish Members. These latter gentlemen were indeed of great weight, but he had not been aware that their breadth was such as to require a bridge of ampler dimensions than the Scotch.—(*A laugh.*)—At any rate, he could not conceive why the County of Cumberland should be particularly favoured; and the present principle, if extended, would put in the hands of Government the erection of all the bridges in the kingdom.

Mr. Perceval defended the Grant, on the ground that the county, though compellable by law to make their bridge passable, could not be compelled to erect a bridge of the extent required.

The House divided, when there were—For the Grant, 35—Against it, 27—Majority, 8.—Adjourned.

## *LONDON GAZETTE EXTRAORDINARY,*

TUESDAY, JANUARY 21, 1812.

This Gazette, which merely relates to the submission of Gen. Janssens and the remnant of his army in Java, if printed at length, would occupy at least half of the *Examiner*. But such a waste of paper is not necessary: all that is worth knowing may be told in a moderate space.—Sir Samuel Auchmuty states that he dispatched Col. Gibbs, on the 16th of September, from Samarang, with 1100 infantry and the necessary artillery to man four six-pounders, with some pioneers.—Col. Gibbs, after ascending some steep hills, at the distance of nearly 6 miles, the fires of the enemy appeared a little before the dawn of day extending along the summit of a hill, the doubtful light and great height of the hill made the position appear at first most formidable. It was resolved to attack it immediately, and as the leading division or advance of the detachments moved forward to turn the enemy's left, a fire was opened on them from many guns placed on the summit of the hill, and various positions on its face, which completely commanded the road; these were answered by our field-pieces with the effect of confusing the enemy's artillery. Their flank was turned with little difficulty, and after a short but ineffectual attempt to stop, by the fire of some guns advantageously posted across a deep ravine, the advance of the body of our detachment, the enemy abandoned the greatest part of their artillery, and were seen in great numbers and in great confusion in full retreat.—It was evident that their

army was completely disunited; several officers were taken; their native allies, panic struck, had abandoned their officers, and only a few pieces of horse artillery remained of their field ordnance.—With these they attempted to cover their retreat, pursued by Colonel Gibbs, who, after twelve miles march over a rugged country, approached the village of Oonarang, in which the enemy appeared to have halted, and collected in irregular masses. The troops, led by Colonel Gibbs, were advancing to assault the fort, when it was evacuated by the enemy in the utmost confusion. Early in the night Brigadier Winkleman came with a flag of truce from Gen. Jansens, charged to request an armistice.—An armistice of 24 hours was agreed on. On the 17th September a capitulation was agreed to, which Gen. Jansens at first refused to approve; but Sir Samuel Auchmuty immediately threatened to march the troops forward at the termination of the armistice.—Brigadier Winkleman returned with all speed to Gen. Jansens, and Colonel Gibbs marched with his detachment at six o'clock on the road to Soligata, where, after advancing about five miles, he was met by Brigadier Winkleman bearing the capitulation confirmed by the signature of Gen. Jansens, and accompanied by a letter which strongly marked the acuteness of his feelings at being compelled, by the desertion of his allies and the destruction of his army, to adopt this measure.—Sir Samuel Auchmuty had detached Capt. Robinson to the Courts of Solo and D'Jogocarta, to deliver a letter from him to the *Emperor* and *Sultan*, and announce the change that had taken place; Sir Samuel had also called upon the Residents at their Courts, Van Braam and Englehard, to continue, agreeably to the capitulation, the exercise of their functions in behalf of the British Government, and to secure carefully the public property of the late Government, placed in the territories of the respective Princes at whose court they reside.—By the capitulation, the enemy's troops are considered prisoners of war.—The naval dispatches announce the surrender of Cheribon, without opposition, to Capt. Beaver, and of Taggall to Capt. Hillyar; of Gressie, of Spambaya, and of Fort Ludowich.—Capt. Harris also gives an account of the capture of the fort of Samanap. Some resistance was made by the French, but our seamen and marines beat them in a most gallant manner, and took the Governor and the Dutch inhabitants prisoners. In another letter he announces the total overthrow of the French Authorities in Madura and the adjacent Isles; the *Sultan* of Madura having declared for the British.

## *TUESDAY'S LONDON GAZETTE.*

This Gazette contains an account of the capture by the Apollo, Capt. Taylor, of the Edouard French polacre ship privateer, pierced for 14 guns, had only six mounted, and a crew of 123 men, commanded by Jean F. Mordeille, a Knight of their Empire, who, to former vessels, has been a very successful cruiser against our trade.

### BANKRUPTS.

F. Kampf, Mary-le-bone, upholder.
S. Hanbury, Wednesfield, Wolverhampton, coal-master.
J. Bott, Cambridge, victualler.
J. Elkington, Rugby, Warwickshire, liquor-merchant.
J. Millard, sen. Westan-super-Mare, Somersetshire, baker.
W. Brevitt, Darlston, Staffordshire, butcher.
W. Sharman, Butchfield, Lincolnshire, victualler.
J. Kenyon, Manchester, dealer.
S. Blagborough, Leeds, merchant.

## *SATURDAY'S LONDON GAZETTE.*

This Gazette contains accounts transmitted by Major-General Cooke, from Cadiz, which state that the French invested Tarifa on the 20th Dec. after being unsuccessfully opposed by Colonel Skerrett and General Copons, who afterwards made a sortie. The enemy, however, having gained the heights, and opened his batteries, a practicable breach was made on the 29th, which he continued to widen on the 30th. Colonel Skerrett says that he has "traversed the streets, and taken the only measure by which there is a chance of preserving the place,—that of defending the houses. The enemy's force is stated at 10,000; but this is probably in some degree exaggerated. A constant fire of musketry is exchanged." In the different affairs, the English had one man killed and twenty-six wounded: among the latter were, Lieut. Gunter, dangerously; Captain O'Donoghue, and Lieut. De Burgh.

The Gazette contains also an account of the attack, on the 1st Nov. of a convoy which had taken refuge at Palinuro, where it was protected by some works and a body of troops. Captain Duncan, of the Imperieuse, requested a supply of troops from General Maitland, when 250 men, under Major Darley, were embarked. The enemy, peasantry, volunteers, and regulars, amounted to 935 men, or more. The troops, with some marines, were landed: they ascended the heights to the attack of the telegraphic tower and position, which were soon in their possession. The enemy, having concentrated the whole of his force, now rapidly advanced to the above heights; "but the steadiness and superiorly gallant conduct of the officers and men defied the most daring intrepidity; and, after allowing the enemy to advance within a very few yards, and whilst coolly lying on the ground to receive him like British soldiers, the enemy was charged and routed most completely;" which ended the action.—The enemy, it is supposed, lost between 60 and 70 in killed and wounded. The English had Lieut. Ray and one private killed; and Capt. Oldham, Lieut. Popon, and 7 others wounded.—The convoy consisted of nine gun-boats and 29 merchant vessels, laden with naval stores; but the account does not state that they were taken or destroyed; though it says, "this little expedition had complete success," and the object of the attack was their capture or destruction.

Col. Green also transmits accounts of some successful, though trifling, successes of the Guerillas in Catalonia and Arragon.

An account from Capt. Griffiths, of the Leonidas, details the capture of the Confiance privateer, of 14 guns and 58 men. She surrendered to the Dasher sloop, which came up while the Leonidas was in chase.

### BANKRUPTCIES SUPERSEDED.

T. Foster, Doncaster, butcher.
I. Farrar, Croft, Lancaster, shopkeeper.

### BANKRUPTS.

B. Faulkner, Whippingham, Isle of Wight, blacksmith.
J. Coggan, Staines and Laleham, Middlesex, banker.
T. Reynolds and H. Grace, Thavies-inn, London, publishers.
M Jones, Neath, Glamorgan, shopkeeper.
T. Ellis, Newport, Monmouth, shopkeeper.
T. Merryweather, Lincoln, taylor.
D. Jones, Neath, Glamorgan, linen-draper.
E. Townsend, Bloxwich, Stafford, rope-maker.
F. Beauchamp, Woodham, Surrey, salesman.
W. E. Davidson, South-Blyth, block and mast-maker.
J. Nitch, Castle-street, City-road, insurance-broker.
W. Smallwood, Bloomsbury-square, Middlesex, broker.
J. Barr, Gloucester, hosier.
W. F. Scott & Co. Leeds, bankers.
J. Smith, Woodbridge, Suffolk, butcher.
J. Pulley, Capel-court, London, stockbroker.
J. Smith, Seymour-place, Mary-le-bone, builder.
W. S. Prestidge, Mitcham, Surrey, farmer.
T. Brown, Brearley-Mill, Halifax, Yorkshire, corn-miller.
J. Coxeter, Gunwell-street, Aldersgate, victualler.
J. Moss, Bloxwich, Staffordshire, maltster.
T. Whitehead, Aldermanbury, upholsterer.
J. F. Throckmorton, Guildford-street, insurance-broker.
P. Earl, Hampstead-road, linen-draper.
F. Day, Crown-street, Westminster, truss-maker.
J. Howes, Strood, Kent, gardener.

SATURDAY—A HOLIDAY.

A variety of Correspondence, which has accumulated upon the Editor's hands, will be noticed next week.

# THE EXAMINER.

*London*, January 26.

There is still no news of the least consequence. A fresh rumour of approaching war between France and Russia has arisen in consequence of certain French requisitions of cattle and grain in the North of Germany, and the march of a numerous train of artillery from Hamburgh. Nothing is more probable than such a war, because the Emperor of Russia is a very weak personage who does not know what he is about; he may have found out by accident, that he has only been weakening himself with the Turks to suit Bonaparte's purposes; and this discovery may have given him an inclination to go and weaken himself still more, in order to shew, as the *Morning Post* says, that he is not to be duped. But requisitions and movements of the above nature on the part of the French are a necessary part of their activity all over the Continent, and may regard any one quarter of it as well as another.

The most interesting Parliamentary Debates in the course of the past week were those on the motion of Mr. Brougham, for an enquiry into the Droits of Admiralty, and on Lord Folkestone's for a Committee to examine into the inferior Ecclesiastical Courts. Some observations on the latter will be found in the commencement of the present *Examiner*. It was successful by a sort of miracle, —if we consider that it came from a Reformist; but miracles,—of such a nature, at least,—cannot be worked every day, and Mr. Brougham was in a minority of forty. It was hardly to be expected that a Ministry, eager to gratify the reigning powers, particularly in matters which are not likely to make the said powers more attentive to the cares of government, should agree to an obnoxious investigation into the claims and appetencies of the Royal pocket; and though it is impossible to say, what may be the very different conclusions and anticipations which the parties in Parliament think themselves entitled to make with regard to the intentions of the future Monarch, yet it seems manifest enough, that those who bring forward such a motion, can have little hope of ingratiating themselves with that quarter.—There has been great talk indeed about an attachment to Mr. Fox's opinions and a reliance on nothing but genuine constitutional principles; but the great talk has dwindled of late into an excessively still, small voice, and threatens to be drowned entirely in the noise of the next Carlton-House Festival.—It must have been highly gratifying, however, to Mr. Brougham to find some of the acutest as well as most independent Members on his side; and not a little encouraging, to see the Minister unable to conceal his chagrin at a speech which threatened him with so much future annoyance. Mr. Perceval, in his uneasy and twittering anxiety to find a bad epithet for this Speech, called it declamatory,—the very last word, perhaps, that a person in his cool moments would have applied to it. On the contrary, if we are to judge by the report, it was most unaffected and argumentative;—copious indeed, if Mr. Perceval pleases,—and capable of making great impression on well-sized and unbiassed ears, but no more declamatory than the Minister himself is matter-of-fact.—It would be difficult perhaps to imagine a rising Statesman more obnoxious to such a Minister than Mr. Brougham:—after making a figure at the bar, where Mr. Perceval was a cypher, he comes to shew himself an independent Orator in the House, where Mr. Perceval is a Courtier; and the professional eclipse in the former instance, for aught that we know to the contrary, may be considered by the Minister as ominous.

☞

It is said that General Hill, with about 15,000 British and Portuguese troops, is to establish himself at Llerena,—a movement that will force Soult to recall part of his troops from the South of Spain. Meanwhile Lord Wellington is supposed to have the intention of advancing to the Agueda, to recommence the blockade of Ciudad Rodrigo, and force Marmont to return to his former position. Suchet will thus not obtain reinforcements from either of these Generals, to whom he is understood to have sent pressing intreaties for immediate succours.—*Courier.*

His Majesty's brig Ephira was lost a few days ago on the Porpoises, near Cadiz. The whole of the crew was saved.

The Darlington packet, on Wednesday se'nnight, in her passage from Cadiz, in lat. 44. 10. long. 15. 30. fell in with two frigates and a corvette: one of the frigates chased the Darlington twelve hours. Two days after, the Darlington fell in with his Majesty's ships Surveillante, Sybille, and Spitfire, and was informed by Sir G. Collier, that a French squadron were at sea, and that having fallen in with his Majesty's ships then in company, he was going in pursuit of the enemy.—Another account says, that the Surveillante frigate was chased on the 15th instant, off Cape Finesterre, by three French frigates and a brig, supposed from the Loire. On the 17th, the Surveillante fell in with the Sybille frigate and Spitfire sloop. It is supposed the enemy was cruizing with a view of falling in with the supplies for Portugal.

Not a single fact transpired last week respecting the late Murders. Every thing seems to prove that they were committed by a solitary ruffian.

Lord Ossulston presented on Thursday, to the House of Commons, the Petition of the Subscribers to a Third Theatre. It is understood that the Committee have promises of very great support this Session from persons of the first rank and fashion, who every day have fresh reason to lament the want of a moderately-sized and well-regulated Theatre. The introduction of Beasts on the Stage, with all the filthy consequences, have excited universal disgust. Scenes have recently taken place at Covent Garden Theatre, which it is impossible for a decent publication to detail.

*Edward Phillips*, for arson; *William Habberfield* and *Paul Whitehead*, for forgery; *John Frazer*, *Edward Hall*, alias *Campbell*, and *Wm. Higgins*, for burglary, have been ordered for execution on Wednesday.

A Deputy of the Cortes named Vera lately moved for the appointment of a new Regency, with a personage of the Royal Family at its head, and for the dissolution of the Cortes, whose conduct he severely criticised. The Cortes took fire, and some counter-propositions were adopted.

One great cause of the multiplication of forged Bank Notes, is the facility with which they are imitated, owing to the wretched style of the engraving. There are American Notes in London, which are engraved with such elegance, that to imitate them would require the hand of a good artist. Now good artists would not readily be found to violate the laws, and if the American mode were adopted, forgeries would be much less common than they now are.—Whether this would *benefit* the Bank, is another and a doubtful question; but the public would certainly be a gainer.

Mr. Perceval and his modest Adherents, maintain that the enormous sums arising from the Admiralty Droits, have all been devoted to *public* purposes.—At the very moment they made this assertion, the table of the House contained papers shewing that many thousands of pounds had been distributed among the Royal Princes for their private use.—Here is a noble specimen of Ministerial veracity!

The *Courier* says, the Princesses ought to have separate Establishments. So we say; but as their parents are rich,—very rich,—it is only decent that these Establishments should be created out of the Royal funds, which, let it be remembered, have been created out of the public pocket. If, indeed, their Majesties were poor, the question would take a different course: but as it is, to tax the suffering people for such an object, would be most mean and monstrous.

It is a fact,—which shows how meanly oppressive the conduct of a Superior may become to an individual, against whom offence has been taken, that ever since Throp brought Capt. Mason to a Court-Martial, he has been refused a day's leave of absence from the regiment, even on the most pressing domestic occasions, though hundreds of his comrades are constantly allowed such indulgence.—Why does not the Secretary at War, who is said to be so active in his official duties, look into the many gross irregularities now practised in the 2d Tower Hamlets Militia? Some of them shall be pointed out in a future paper.

POPULATION, 1801.

| | Males. | Females. | Total. |
|---|---|---|---|
| England . . . . | 3,987,935 | 4,343,499 | 8,331,434 |
| Wales . . . . | 257,178 | 284,308 | 541,546 |
| Scotland . . . | 734,581 | 864,487 | 1,599,038 |
| Army, Navy, &c. | 470,598 | | 470,598 |
| Total . | 5,450,292 | 5,492,354 | 10,942,646 |

POPULATION, 1811.

| | Males. | Females. | Total. |
|---|---|---|---|
| England . . . . | 4,555,257 | 4,944,143 | 9,499,400 |
| Wales . . . . | 289,414 | 317,966 | 607,380 |
| Scotland . . . | 825,877 | 979,487 | 1,804,864 |
| Army, Navy, &c. | 640,500 | | 640,500 |
| Total . | 6,310,548 | 6,241,596 | 12,352,144 |

INCREASE.

| | |
|---|---|
| England . . . . | 1,167,966 |
| Wales . . . . | 65,834 |
| Scotland . . . . | 208,180 |
| Army, Navy, &c. . . | 169,902 |
| Total . | 1,611,889 |

English Agents in Spain invite the soldiers of France to desert their colours. Some Englishmen were found in the French service, who are about to be tried as traitors, and if found guilty, they will be hung. Thus Frenchmen are invited by Englishmen to commit an act, for the commission of which their own countrymen will be punished with death. Where is the consistency, where the morality of this line of conduct?

## *THE KING'S ILLNESS.*

### MEDICAL BULLETIN.

"*Windsor Castle, Jan.* 20

"His Majesty has had a considerable increase of his disorder within the last week."

Mr. James Lucett, of the Bank of England, says that he possesses the recipe of a Foreign Physician, for the cure of madness, which has hitherto proved infallible. By its operation, the patient is thrown into a sound sleep; relief is obtained in 24 hours, and the cure performed within a short period.—Under the direction of a London surgeon, he says, a person named Morgan, who had been pronounced *incurable* by some eminent medical practitioners, was recently completely restored from the worst species of insanity.—Possessing this wonderful remedy, Mr. Lucett says, he thought it his duty to write to the Physicians attending his Majesty, offering to give them the recipe. The Physicians not thinking it necessary even to enquire into the matter, he wrote to Mr. Perceval, to whom he likewise sent a Certificate of the above Cure, duly authenticated.—The Minister replied as follows:—

"*Downing-Street, 15th Nov.* 1811.

"Sir,—Mr. Perceval desires me to observe to you, in reply to your Letter, that he cannot venture to recommend his Majesty's Physicians, to permit any experiment to be made, with regard to his Majesty's health, which they do not themselves approve of.—I am, Sir, your obedient Servant,"

"*Mr. James Lucett.*" (No Signature.)

On this Mr. Lucett remarks, that the Physicians ought not to approve or disapprove, till they have examined the nature of the remedy, of which they are now in complete ignorance;—that it is not the recipe of a Quack, but of a regular Medical Practitioner; that cures have already been performed by it, and that therefore he is of opinion, that the King's Physicians are not doing their duty, in thus refusing to attend to any other course than their own, which, by their own acknowledgment, has proved unsuccessful.

## *FOREIGNERS.*

Mr. Examiner,—I concluded my last letter, not to trespass too far on your indulgence, with an allusion to the Exemptions Foreigners enjoy in this country from the Militia ballot and Impress, and now beg leave to resume the subject, adverting to those residing abroad, who place their money in our Funds, and derive the same security as ourselves, from the severe sacrifices we are making, without contributing thereto;—another valuable Exemption they enjoy from paying the Income Tax, whilst the Sovereign alone of these Realms is, by his high prerogative, elevated above its operation.

All his Majesty's subjects pay one-tenth of their income, from whatever source derived, and to render it productive, the mere Life Annuitant is required to pay in the same proportion as the landholder, although the children of the former can inherit nothing from an annuity, whilst the

offspring of the other succeed to the estate of the land proprietor; the income too derived from industry contributes in like manner, till the individual is no longer capable of exertion, and when reduced to the mere interest of the little store he can have provided (in these times) for that period, when the head or the hand is enfeebled by age, he is to pay the same 10 per cent. on the interest of *that*, likewise, to which, I fear, your Correspondent's expression of "scanty pittance," will too often be found applicable; and this is to continue at least during the wars, which arose out of that "pitiless Revolution." Do not the former Exemptions savour more of partiality than a want of protection?

Having, in my former letter, shewn the sums granted during the Revolution War for the assistance of distressed Aliens (1,338,243*l.* 16*s.* 3*d.*) I find, in the same Parliamentary Documents, the further sums:—

| | |
|---|---|
| 4th Sept. 1800.—To Matthew Martin, Esq., towards liquidating the demands of the St. Domingo Claimants . . . . . | £18,000 |
| 2d May, 1801.—Ditto, ditto . . . . . | 20,000 |
| 7th Nov. —Ditto, ditto . . . . . | 12,000 |
| | £50,000 |

The latter being called *Claims*, I suppose they are rather appeals to our justice than generosity: but the Documents explain no more than the Payments.

It being my wish to limit myself to the gratuitous acts of bounty of this Government, it may be asked, why I did not copy them from the annual account, rendered in each year of the Revolution War to Parliament, of the whole application of the Grants of the former year? —I have gone over them, and they give a much larger sum than I have brought forward, but I preferred the other documents for the following reason.

From the year 1794 to 1798 inclusive, those charges are distinctly stated for the suffering Clergy and Laity of France; but in 1799, vol. 55, of Parliamentary Journals, they are blended, and afterwards so amalgamated, that I had no means of separating them, viz.—in 1799—

| | |
|---|---|
| To be applied for the Relief of the suffering Clergy and Laiety of France, *Toulouse Emigrants* and *American Royalists* - | £224,000 |

In 1800, ditto, for suffering Clergy and Laity of France, *Toulouse and Corsican Emigrants, certain St. Domingo Sufferers and American Loyalists*; and in 1801, the same six classes of different nations stand thus amalgamated in one common charge, which I had no means of separating, and can only shew how much the Revolution War had extended our originally beneficent intentions towards them.

But these are by no means the whole extent to which it had attained in 1801, the end of the first Revolution War; for we find that bills were drawn from various other places on the Continent in that year, under the head of *Public Services*; and by looking one year beyond the limit I had prescribed to myself, we find them defined in the Army Extraordinaries of 1802: but why in the Army Extraordinaries, I know not, neither perceiving their connection with the Army, nor that they were any longer extraordinary.

EXTRACTS, 1802:

| | |
|---|---|
| To Bills of Exchange, dated from 24th Oct. 1801 to 20th Oct. 1802, drawn by Alex. Sloane, Esq. Consul at Rome, for the use of Corsican Emigrants . . . . . | £1,612 18 9 |
| Do. . do. . . drawn by Lord Minto, Minister at Vienna, for the service of Corsican Emigrants residing in the Austrian dominions . . . . . | 965 15 0 |
| Do. . do. . . drawn by the Hon. Arthur Paget, Envoy at Naples, for the French and Corsican Emigrants residing at Naples . . . . . | 467 12 0 |
| Do. . do. . . drawn by Edw. Stanley, Consul at Trieste, for the service of Emigrants . . . . | 207 0 0 |
| Do. . do. . . drawn by John Hookham Frere, Envoy at Lisbon, for the service of Emigrants . | 1,176 2 0 |
| Do. . do. . . drawn by Barthw. Frere, Chargé d'Affaires at do. for do. . . . . | 206 13 3 |
| Do. . do. . . drawn by the Hon. W. Wyndham, Envoy at Florence, for do. . . . . | 6,700 0 0 |
| Do. . do. . . drawn by Wm. Drummond, Envoy at Naples, for the service of Emigrants . . . | 6,000 0 0 |

Having before given the amount of monies issued in this country, and shewn how it was extended to the Emigrants in foreign countries, it appears to me that they have been befriended in a manner which partakes more of partiality than illiberal prejudice; and I only regret that we do not know enough of its distribution, to shew to your readers how it has been applied, in a case where I allow discrimination to have been difficult. I fear there have been instances where artificial characters have obtained too much; yet, Sir, I remain with unaltered sentiments of respect towards those who live here, with a moderation which does them honour, and others who, subsisting by means of honest industry, merit the consideration and regard of all classes of my own country.—I am, &c.

Your constant reader, AN ENGLISHMAN.

## *FINE ARTS.*

TO THE EDITOR OF THE EXAMINER.

MR. EXAMINER,—As you have always shewn a proper respect, and given a proper consequence, to the Fine Arts of your country, by devoting regularly a part of your paper to their consideration,—if you should think the following Letter at all useful to the cause of Art, perhaps you will have no objection to insert it. AN ENGLISH STUDENT.

### TO THE CRITIC ON BARRY'S WORKS IN THE *EDINBURGH REVIEW*, AUG. 1810.

SIR,—I have waited with great anxiety, for eighteen months, in hopes that some able hand would have attacked the doctrine put forth to the Public in your Review of *Barry*;—but as it yet remains unanswered, and as the principles there held forth are prejudicial to the advance of high Art in this country, however inadequate I may be, I will endeavour to controvert it; for there is no more efficacious method of propagating error with success, than mingling it with a due proportion of incontrovertible truth: the soundness of advice in some part of your Review, gave a sanction to the unsoundness of the rest; and thus the good you might have done by the one, was completely checked by the absurdity and pernicious sophism of the other.—You begin, Sir, by saying, —"By far the most frequent obstacle to what are called Students of genius in Painting, has been, forming too exalted notions of their art as an effusion of mental energy, and too humble notions of it as an effort of manual labour and acquired practical dexterity. Hence they have no sooner learnt to represent common objects with the tame fidelity of a geographer's map or architect's elevation, than they begin to form magnificent compositions;—to turn their whole attention to the selection of subjects wor-

thy to employ the talents they have not acquired; and no longer to doubt, that any thing more is wanting to make them at once Michael Angelos and Raphaels, than a Sistine Chapel or Vatican Chambers, with such a patron as Pope Julius II. or Leo X." I am sorry, Sir, that the experience you seem to have in Art and among Artists, should have led you to a conclusion so erroneous; for I believe by far the greatest obstacle to what are called Students of genius (though a Student of real genius was never checked by any obstacle) is, forming too great notions of the preparatory requisites for a picture; and instead of beginning as soon as they can draw with the tame fidelity of a map-maker, delaying it to that distant period, when they shall be thorough anatomists, thorough mathematicians, thorough draftsmen, thorough chemists, and thorough Grecians,—till they have got good lights and good apartments,—till they have been to Rome and been to Vienna,—till they have got French brushes and Indian lake, and all those innumerable necessaries, under which idleness and imbecility are sure to take refuge, as an excuse for the greatest of all difficulties, *commencing to think*. Were young men to begin as soon as they can draw with the tame fidelity of a map-maker, or without a sufficient estimation of the mechanical difficulties, they would soon find in what they were deficient; and this alone is the most valuable of all discoveries; and if they were students of real genius, would instantly set about supplying them. The error is, not commencing great works inadequately prepared, but *persevering* without *remedying* your inadequacy. Nothing is more useful than beginning works beyond your strength,—because it is an immediate stretch of your powers; and if you present an iron front to the difficulties you encounter, you will come out of the contest with your mind invigorated, and your energy strengthened for nobler works and greater undertakings. Why, then, ridicule great attempts? No man makes great attempts without great views: if he have great views, of course he ought to endeavour to render himself adequate to realize them;—if he attempt great things before he is ready, he could not by any other method have so soon perceived his deficiencies;—if after a conviction of his ignorance, he proceed without conquering them, contempt will be the consequence of his presumption, and the world is not injured, but benefitted; for he serves as an example to others who may be inclined to make similar attempts with similar qualifications. The same advice might with equal plausibility have been given to Raphael when he first entered the Vatican, as to any other promising young man:—"Sir," it might have been said to Raphael, "you are going to select subjects for talents you have not acquired;—Sir, you are but five-and-twenty;—Sir, you have never ventured beyond the leading-strings of your master." All this might have been said, and I have no doubt was said, by cold-blooded critics, or timid, imbecile friends, who, knowing their own incapacity and consequent want of confidence, think every man must have as little dependance on his powers as themselves. Julius II. had no right to expect that Raphael would have filled the Vatican with any thing but the Gothicism of Perugino, for as yet he had given no proofs of any originality of mind; but his spirit rose, like a true genius, in proportion to his obstacles: and "we are perhaps indebted," says Sir Joshua, "to the good fortune that placed him in such a situation, for the examples of perfection he has left us." Your sneers and ridicule of men who set out with a professed determination to disregard the means of the art,—all those grand, severe gentlemen, "who thought they were as great as Michael Angelo, when they coloured like mud, or left an outline like iron,"—is on the soundest principles; but on the first reading, it is rather doubtful whether you ridicule them, or the style they professed to follow. That uneducated impudence should go out to Rome, and return as ignorant as it came,—full of *morbidezza* and *bozzo*, and all the technical nonsense of connoisseurs,—is surely a just subject of contempt: but does this affect the style they wished to pursue? They were heard of no more, not because there were, as you think, no churches or palaces to adorn, but because they were totally incapable of producing works worthy of adorning them.

You praise the Picture of Rembrandt, Sir, as all men praise such pictures who know they are in a lower rank, in spite of their wishes. To be sure, it has not got the simplicity of Raphael, or the forms of the Greeks; "there is, indeed, no attempt to display the naked figure." Why, then, if there is not, the picture is deficient in one of the highest refinements of Art,—refinements which have enabled the Greeks to keep their rank through so many ages, and which will enable Michael Angelo and Raphael to rank higher than Rembrandt or Reynolds, in spite of all the connoisseurs of Europe. Elegance of stuff, and not drapery, I venture to think, would also be more applicable to him.—"The Patron," you proceed, "might have justly concluded, that the Student who declined intercourse with such artists as Rubens, Vandyke, and Rembrandt, had mistaken his pursuit, and would never become an artist." Justly, indeed, might he so conclude: no men ever carried the mechanism of the art to such perfection; "and those that cannot see their merit," says Reynolds, "either have a narrow conception of the variety of Art, or are led away by the affectation of preferring nothing but what comes from the Italian school." It is only when they are elevated to a rank to which they are not entitled, that their pretensions are to be examined. Their respective weight, when tried by the same scale as Michael Angelo and Raphael, is easily ascertained. Rubens, Vandyke, Tintoretto, and Rembrandt, carried a part of the means of the art,—colour, light, and shadow,—to the highest perfection: they had now and then a glimpse of poetical conception of character, but by no means so continued, as to justify the assertion, that they are entitled to such a characteristic, when their excellencies are enumerated. Michel Angelo and Raphael had at times a flash of mechanic greatness in colour and light and shadow; but poetical conception of character was that in which their powers lay; this they carried to the greatest height in modern times; and perfection in that part of the means of the art, colour and light and shadow, whatever might be their casual excellence, they have no right to assume. This is a simple and true state of things. Michel Angelo and Raphael excelled in the intellectual excellencies of the art, and therefore excelled in the highest. Rubens, Vandyke, Tintoretto and Rembrandt, in the mechanism of the art, and therefore in the lowest. They were all great, according to their respective powers; but let connoisseurs say what they will, they cannot, they are not, they must not, be put on a level with Michel Angelo and Raphael; and such an assertion as "that a Picture of Rembrandt's is inferior to no work in Italy, in grace and dignity of attitude and character," &c.

will mislead the Student, give Rembrandt's defects even a consequence his beauties ought not to assume, make him mistake the means for the end of art, when perfection is yet to be attained by a union of the two. You call sublimity and originality of poetical conception, suspicious merits in an imitative art, "and oftener meaning a deviation from Nature, than any embellishment of it." Suspicious merits! So far, Sir, from their being suspicious merits, we find the greatest Artists of modern times rank as the greatest, only because they excelled in sublimity of conception.—Decidedly deficient in two of the three parts of imitation! Is Painting merely an imitative Art? You mistake the means for the end: the imitative part of Painting is only the means of exciting poetical and intellectual associations; Poetry and Painting require the same minds, the means only are different: language and versification are the means of the one, and form, colour, and light and shadow, the means of the other; and whenever an attempt at sublimity of poetical conception shews a deviation from Nature instead of an embellishment of it, it is not *sublimity*, but *absurdity* of conception.

Your advice to the Students about the fruit, flowers, vases, phials, swords and spears of Titian and Rubens, I venture to conceive truly excellent; for there is no reason on earth why the inferior parts of a great work should not be equally attended to, though subordinately kept, as well as the higher beauties. It appears to me also, indeed I am sure, that it is a better plan, one of much greater utility, to have a work in hand while you have an opportunity of seeing fine things, than servilely copying them, because you put in practice directly what principles or modes you ascertain, and with an air of originality, too, that is extremely encouraging. With respect to Painting Portraits being accessary to the variety of character in a great work, I should think its utility will more be experienced in gaining facility, than a knowledge of character. Those who paint Portraits *often*, are apt to introduce too great an individuality; the way to prevent monotony is to get a head as nearly as possible to your want, and supply its deficiencies while painting. No man should idealize a head without a head before him; but painting from the recollection of the features of your sitters will present an incongruous jumble of features without feeling or sense.

Now, Sir, to that on which you have exhausted all your sophistry and all your art,—greatness of size. You begin with asserting that this notion is successfully controverted in an anonymous letter signed R. J. L. Before I venture to examine a letter which has so successfully controverted the principles of all the great Artists, in all the illustrious æras of the world, the review more immediately before us must first be scrutinized. You assert, "that the glory of the Art among the Greeks was confined to tabular Pictures, which could not be great."* The question is, were they smaller than life?—Was the Helen of Zeuxis, the Ajax of Appollodorus, the Alexander of Apelles, larger or smaller than life?—As to the skill of Michel Angelo and Raphael authorising false principles by painting on a grand scale, and obstructing instead of promoting succeeding talents, it is easily answered, that he whose talents were obstructed by attempting to carry on art on *their* principles, might rest contented that he had not talents to carry it on an *any*. "The greater accuracy and elegance of detail required in small works," you say. I believe, Sir, you have just before (page 300) sanctioned Algarotti's opinion, that the plants and flowers in the *Pietro Martyri* of Titian are so accurate and elegant, that Botanists might study them, and that it was the most perfect production of the pencil. I believe, Sir, you have said, in the same page, that the inkstands, books, and hourglass in Raphael's *Cardinal Bibbiena*, are painted with "such delicacy, fidelity, and transparency," that Teniers might have envied them. Having brought forward such works as examples of excellence, after you have asserted that "Raphael would have deserved more praise had he painted easel Pictures of a moderate size!" and inferred that greatness of character is incompatible with grandeur of scale, it is naturally to be expected that such works are on the scale you have laid down as a model: but with astonishment it must be answered—that the *Pietro Martyri* of Titian is on the grandest dimensions, and *Cardinal Bibbiena* nearly the full size of life; and yet you say, Sir, that greater accuracy and elegance of detail is required in small works, though the examples of accuracy

* I do not see, why the quotation from Pliny, viz.—"Nulla gloria artificum est, nisi qui tabulas pinxere," is a sufficient ground for affirming that the works of the great Greek Artists could not be *great*.—I venture to think I have the strongest grounds, from what Pliny says, for asserting they were not so:—because, when Pliny describes the great Artists of the illustrious periods,—Panænus, Polygnotus, Aglaophon, Apollodorus, Zeuxis, Parrhasius, Timanthes, Pamphilus, and Apelles, &c. &c. &c. he distinctly says, when they painted smaller Pictures, as if it was not their *customary habit* so to do.—For instance, of Parrhasius:—"Pinxit et *minoribus tabellis* libidines;" and he concludes his account of the illustrious Painters with—"de quibus mox dicemus, nunquæ subtexi par est in *minori pictura* celebres penecillo,"—(but we will speak of those by-and-bye; for it is but just that those Painters, celebrated for painting on a *smaller scale*, should be mentioned.)—He then speaks of them, and specifies particularly when they painted *great* Pictures, as if it was not *their* customary habit.—"Pausias autem fecit et *grandes* tabulas."—And again, of Nicias, fecit et *grandes picturas*.—Besides, Sir, his concluding with the illustrious Painters, supposing he had not specified their particular works in great or small, with—"it is but just that the Painters in small should be subjoined,"—is sufficient ground for inferring that those he had been before describing were Painters on a large scale.—The quotation you have made, too, does not refer to the *size* of the Pictures, but to their being painted on pannels, that were not fixtures, like the walls of a house. He has been describing the fresco painting of one Ludius, who flourished in the time of Augustus;—"but the glory of the Art is confined to tabular pictures," says he, "herein we must admire the policy of antiquity, because Pictures on walls become the property of the master of the house, and always remain in one place; and "ex incendiis rapi non possunt," —(cannot be saved in case of fire). Whereas a Painter ought not to be so confined, because he is the common property of the world.—"Res communis terrarum erat."—Lib. 6. xxxv. Cap. x et xi.—Thus, Sir, the grounds you have taken to shew that the celebrated Pictures of antiquity were *not* great, I think I may be fairly allowed to say can be brought against you to prove they *were*. But there is one ground on which I defy refutation, Mr. Critic. If their Pictures were small, how could Apelles conveniently hide himself behind his to listen to the remarks of the Cobler?—"Atque post ipsam tabulam latens," says Pliny.—What *can* you say to that?—And when Quintilian says, "Zeuxis increased the size of his limbs, esteeming it more ample and noble," the inference I should think was, that he made them larger than nature; "following the plan of Homer," he continues, "who always even delighted to make his women robust."—"Num Zeuxis plus membris corporis dedit; id amplius atque augustius ratus, atque (ut existimant) Homerum secutus, cui validissima quæque forma etiam in feminis placet.—*Inst. Orat.* Lib. 12. Cap. x.

and elegance of detail alone, you yourself have brought forward, are all works of the largest size. What do you mean by affirming "that if men of real taste and skill will not overrate their talents, and prefer size rather than excellence, they will not want due encouragement?" If a desire to paint large is overrating your talents, of course it must require greater powers than ordinary men possess, or else how can such a desire be said to be overrating?—because to overrate a thing is to esteem it of greater value than it is; therefore, if a desire to paint large is overrating your talents, of course it must require great talents to paint large. What man of common sense would prefer size *rather* than excellence? The object of every man of genius is to unite the two.—R. J. L. says, that "every man can imagine a giant stepping from York to London." This is an extreme absurdity; but is this argument against great works within the sphere of rationality? "Let him not imagine," he proceeds, "that because he can produce great things, he can produce good things, or that when he has covered a great extent of canvas with bold and hasty sketches, he has produced a fine picture or a sublime composition."—We must all agree with him that *goodness* is not the consequence of *greatness*, or that hasty sketches do not make a fine picture or a sublime composition; but we affirm, without fear of refutation, that *greatness* added to *goodness*, and correct and finished excellence with real sublimity, the full size of life, will more powerfully affect human feelings, than the same correctness and the same arrangement on a scale less than life. R. J. L. says, he has seen "a large cartoon of the little picture of the *Vision of Ezekiel* by Rafaelle, in which the copyist thought without doubt to expand and illustrate the idea of the author: but by losing the majesty of the countenances, which makes the original so sublime, notwithstanding its being in miniature, his colossal copy became ridiculous instead of awful." And so, Sir, because an ignorant, unskilful, unfeeling painter, could not perceive and did not preserve the majesty of the characters, he brings this as an argument, that majesty of character cannot be preserved on a large scale! These are the arguments that, you affirmed, had successfully controverted the notion of a grand scale! All this argument (if it deserve the name) against great Pictures, amounts to nothing. Which are the great periods of Art throughout the world? are they not those of the Egyptians, the Grecians, and the Italians? Does not Art owe her rank to the excellence produced during these illustrious periods? Are not all the works of the full size of life, or larger? and were not the artists the greatest the world has ever seen? This is unanswerable: surely, then, we may infer that such men would not have selected a scale incompatible with true grandeur. "Ah! but," say they, "these men were obliged to conform to the size of the buildings they were employed to adorn; and had they been obliged to adorn small buildings, they would only have painted small pictures, and we should have admired small pictures from such authority, as much now as we admire large ones." But it is *not so*; we must take things as they are, and not torment ourselves with how they might have been. There were thousands of such artists who painted small pictures: but which come conspicuously forward? which give rank to their country? which are referred to, as authority, by posterity? Great works in Painting are as necessary to our ranking with Italy and Greece, as great works in Poetry and Architecture were necessary to our ranking with them in Poetry and Architecture. Small works may be more fitted for little parlours and fire-sides, as one of the Weekly Papers last year mischievously tried to prove, and that therefore Wilkie's art was more adapted to our habits. This may be very good argument for those who have little rooms and fire-sides, but amounts to nothing regarding us as a great nation. The critic in the paper might, with as much justice, have argued, that the neat little cottage and snug little box were more adapted to us as a nation, than such buildings as St. Paul's and Covent-garden Church,—that little bronze figures for our chimney-pieces and our side-boards, were more adapted to us than monumental statues or colossal heroes,—that the snug little cutter and the nice little brig, were more consonant to our comforts than the seventy-four or the ninety-eight; and that therefore no pictures as large as the Vatican ones ought to be painted,—no building beyond three stories ought to be built,—no statues beyond three feet ought to be executed,—and no ships with more than fourteen guns ought to be laid down. Alas! Sir, how high should we have ranked, had this delightful principle directed our energies! Should we have been ranked beyond masons when talked of as architects, or beyond privateering pirates when cited sailors? Certainly not: but by acting directly on the reverse, we rank as the nation which has produced the greatest architects, poets, philosophers, and sailors; and it is because we have not yet acted on the reverse, and added excellence to greatness, that we do not yet rank as the greatest painters; nor shall we ever, till elevation of view, which is fast dawning, blazes forth to meridian day among the Patrons, and elevation of soul among the Students; till both Patron and Student have made it their creed, that great works, and *great works only*, pregnant with sublimity of conception and Greek design, are the means of enabling us to rank with our Poets, our Philosophers, our Architects, and our Sailors,—the only means of enabling us, with a firm step, to take our station *between* Italy and Greece; for let us not be content while our country is entitled only to be put on the right or left of them. "What can be more disgusting," say they, "than the large Pictures of Carlo Maratti and Rafael Mengs?" What can be finer, we answer, than the great Pictures of Rubens, Tintoretto, and Titian?—Surely we have as just ground to argue, that nothing but great pictures should be painted, because the one have always succeeded, as, that great Pictures should not be painted, because the others have always failed. "Ah! Sir," they proceed, "if Michael Angelo and Raphael were alive now, they would rot in a prison." Surely if *such men* rotted in a prison, it would not be *their* fault, because they have proved they were great geniuses.—Supposing, Sir, that you had not refuted yourself about greater accuracy being required in small works, I would affirm, that greater accuracy is required in large ones; because the principles of painting on a grand scale are, to take the results,—the leading characteristics of things only; therefore it requires the greatest accuracy, knowledge, and power: for, to exhibit the prominent features only of an object, presupposes a thorough knowledge of the object itself; and I affirm, that painting on a small scale affords more means of hiding defects and concealing a want of information, than painting on a scale where nothing can escape the eye. As to its obstructing the expansion of succeeding talents, what mighty genius has pined in obscurity? Did it obstruct Ti-

tian, Rubens, and Tintoretto? Did it obstruct Rembrandt and Reynolds? And if others were obstructed, we ought to be all happy there is such an excellent check to imbecility.—But then comes the great secret at last: "the manner of furnishing rooms, to make them comfortable, in a northern climate, exclude very large pictures." Here comes the unanswerable argument. I dispute not such an *unrefutable* reason, as it regards you or me as individuals; but because my rooms are small, do not let me sophisticate, and attempt to prove, that great works are not necessary to our ranking as a great nation in Art.—

—As to want of room for great Pictures, are not the halls and staircases of the nobility empty; are not the Public Offices, the Ordnance, the Admiralty, the House of Commons, and the House of Lords, empty? Let us hear no more of want of room: we find a celebrated Picture of Zeuxis placed in the Corn-Market at Athens, such was the public feeling for art. How would the Corn-factors of London stare, to have their attention roused by the varieties of muscular energy, or the pathetic delicacies, "the souplesse gracieuse," the bending voluptuous refinements of feminine sweetness?* You say, "the end of art is to please." No, Sir; the end of art is to instruct by pleasing;

—"for as to conveying religious, moral, or political instruction, by Painting, it is the most absurd of all absurd notions," you affirm.—Can Painting really excite pity or terror, or love or benevolence?—Can Painting really lift your soul to Heaven, to join in the hymns of Angels "harping in loud and solemn quire," or transport you to the infernal world, to partake of the councils of Hell?—Can it really stimulate a man to heroism, or urge a man to repentance, or shew the horrors of guilt or the delights of virtue?—No, certainly not, in such minds. Pictures with such properties would pass unheeded by, did they hang near a red-herring by Jan Mieris, or a Turkey carpet by Gerard-Dow.

[*To be continued.*]

## LAW.

### SHERIFF'S COURT.

On Thursday, Capt. Rennie, of the *Trinculo* sloop of war, obtained 500*l.* damages from Messrs. *Walsh* and *Lane*, Proprietors of the *British Press* and *Globe* (Daily Morning and Evening Papers) for a libel.—It appeared that a paragraph had been inserted in those papers, stating that Captain Rennie had pleaded *insanity*, on his trial by a Court-Martial, to which he had been brought by his Officers, on charges of drunkenness and cowardice.—Capt. Rennie, however, had made no such defence, but had been most honourably acquitted; and his accusers, the Court said, had been guilty of insubordination and malice.—The editor, when called upon, refused to give up the author, though he apologised for the mis-statement.—Upon this refusal, Capt. Rennie brought his action.

### OLD BAILEY.

On Wednesday, —— *Hodgson*, the driver of the Bath Mail, was indicted under Lord Stanhope's Act, for selling eight guineas for ten pounds in Bank-notes. It appeared that a Police Officer, of the name of Ruthven, who was the prosecutor, had been in the country for the purpose of detecting instances of selling guineas, and that coming to town by the Bath Mail, he prevailed upon the driver, not long before they reached London, to sell him the guineas as above. The Jury were out for four hours, and at length returned a verdict of guilty.—The Court fined the prisoner forty shillings, intimating that this light punishment was inflicted in consequence of its being the first conviction under the Act; but that future offences of the same nature would be visited more severely.

*William Turner* was tried on an indictment charging him with feloniously marrying Ann Bignell, at Abingdon, in the county of Bucks, on the 13th of September, 1811—Elizabeth Quinn, his former wife, whom he married in 1800, being then and now living. Both marriages were proved, and the prisoner was found guilty.

On Thursday the Sessions closed, when sentence of death was passed on Sarah Slater, T. Kite, G. Lister, T. Wells, Wm. Fowler, E. Jones, T. Hunt, Mary Carroll, G. Skeene, J. Clayton, W. Jenkins, J. Catherwood, T. Wood, J. Butler, J. Leach, P. Barnard, R. Woodhatch, C. King, and T. Culliver;—G. Drury was sentenced to be transported for 14 years; 31 were sentenced to seven years transportation; two were sentenced to two years' imprisonment in Clerkenwell, six for one year, one for nine months, and fifteen for six months each; thirteen to imprisonment in Newgate for various periods; two to be publickly and eight to be privately whipped, seventeen judgments were respited; three were fined one shilling each and discharged; and twenty discharged by proclamation.

[As soon as the business on the London side was finished, the Common Serjeant (in the name of the Court) thanked the Gentlemen of the Jury for having, in a very satisfactory manner, discharged their long and painful duty:—he spoke in the best terms of Mr. Grove, the Foreman, for detecting and bringing to conviction one out of five, a gang, as dangerous and desperate as ever infested the metropolis—saying, the Court and Country are particularly indebted to him, for by his exertions alone the prisoner is secured, and also the property of Messrs. Hawkes and Lea, in Watling-street.]

### BIRTHS.

On Wednesday se'nnight, the wife of Wm. Lunn, a poor collier, at Kirkhumgate, Yorkshire, was safely delivered of three fine boys, all as likely for life as the seven small children of which the family before consisted.—On the 23d ult, in Limerick, the wife of a labouring man, Patrick Minaham, was safely delivered of daughter—on the morning following of a son—and on the same evening of a third: the children all lived to be baptized. And on the 20th ult. the wife of John Fogarty, of Limerick, was safely delivered of three sons.—*Taunton Courier.*

On Sunday evening, the wife of J. Southall, a working shoemaker, residing in Mansion-house row, Kennington-lane, of three boys, all of whom, with the mother, are likely to do well.

### DEATHS.

On Monday last, in Sloane-street, in the 36th year of her age, Mary, the wife of Wm. Horsely, Mus. Bac. Oxon. She long endured a privation of health with cheerfulness and fortitude, and met her dissolution with a degree of composure and resignation not to be exceeded.

On the 11th inst. Ann Morris, aged 104, the oldest inhabitant in St. James's parish, Bath.

On Saturday week, at Essex House, Essex-street, Mrs. Lindsey, relict of the late Rev. Theophilus Lindsey, aged 72.

On Tuesday morning, at his house, in Piccadilly, Charles Marsh Esq. in the 78th year of his age.

On Monday, the 21st, in Half-Moon-street, aged 76, Ann, the relict of John Jebb, M. D. of Parliament-street.

On the 24th, at his Lordship's house, in Portman-square, the Countess of Beverley.

On Monday, the 20th inst. Mr. John Ballinger, wine and spirit merchant, Fenchurch-street.

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* I do not mean to infer, that because the Public Buildings are empty, an indiscriminate order to fill them would ellicit excellence.—"Patronage," you excellently say, "to be beneficial, must be deserving, as well as liberal: and skilful and judicious in selecting and employing merit, as well as just and generous in rewarding it."